



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Article number: 7015 3010 0001 6837 7838

Anthony J. Chibbaro, M.S., Senior Director  
Department of Environmental Health & Safety  
Albert Einstein College of Medicine  
1300 Morris Park Avenue  
Bronx, NY 10461

Re: Notice of Violation  
Albert Einstein College of Medicine  
EPA ID Number: NYD 980645774  
EPA ID Number: NYR 000156950

Dear Mr. Chibbaro:

This Notice of Violation is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6901, 6928.

Pursuant to RCRA, as amended by HSWA, the U. S. Environmental Protection Agency (EPA) promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272.

For the purposes of this Notice of Violation, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

The State of New York is authorized by EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New York.

From a review of manifests, it has been determined that both locations of Albert Einstein College of Medicine (AECM) facilities are Small Quantity Generators (SQGs) of hazardous waste. On or about April 6-7, 12-13 & 19, 2016, Compliance Evaluation Inspections (CEIs) were conducted at the AECM facility located at 1300 Morris Avenue and 1301 Morris Park Avenue, Bronx, NY 10461.

As a result of the CEI, the following violations of the RCRA regulations were found at the 1300 Morris Park Avenue location:

1. Pursuant to 6 NYCRR § 372.2(a)(2), a person who generates a solid waste must determine whether that solid waste is a hazardous waste using the procedures specified in that provision.

At the time of the inspection, AECM failed to make a hazardous waste determination of abandoned chemicals in the following room:

In the Golding Building, room 302, there were twelve 25 ml. of chromerge which were not used for at least 15 years.

2. Pursuant to 6 NYCRR § 372.2(a)(8)(i)(a), a generator may accumulate up to 55 gallons of hazardous waste or 1 quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without permit or interim status provided that the generator:

...(2) marks the containers with the words "Hazardous Waste" and other words that identify the contents of the containers....

(a) At the time of the referenced inspection, AECM stored:

(i) Two 500 ml. of hazardous waste in the Forchheimer Building, Room 301.

(ii) Two 5 gallon containers of hazardous waste in the Forchheimer Building, Room 309.

(iii) One 500 grams of sodium hydroxide and 125 ml. bottle of hazardous waste in the Forchheimer Building, Room G 35. Both of these containers stored hazardous waste.

(iv) One 4 liter and one 500 ml. containers of hazardous waste in the Forchheimer Building, Room 223.

The containers in the areas listed above were not marked with the words "hazardous waste" and other words to identify their contents.

(b) At the time of the referenced inspection, AECM stored: One 4 liter container of hazardous waste in the Forchheimer Building, Room 223.

This container was marked with words "organic waste" but was not marked with the words "hazardous waste".

3. Pursuant to 6 NYCRR § 373-3.3(b), a facility should be maintained and operated to minimize the possibility of a fire or explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water.

At the time of the inspection AECM failed to operate its facility to minimize the possibility of a fire or explosion, or any planned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water in at least the following areas.

(i) In the Forchheimer Building, Room 301, AECM was storing 500 grams of sodium. And it was not covered with mineral oil.

If you have any questions regarding this letter, please contact Mr. Abdool Jabar at 212 637-4051.

Sincerely yours,

A handwritten signature in blue ink, appearing to be 'L. Voo', written over a faint horizontal line.

Leonard Voo, Chief  
Hazardous Waste Compliance Branch

cc: Kelly Lewandowski, Chief  
Site Control Section  
New York State Department of Environmental  
Conservation  
625 Broadway, 11th Floor  
Albany, NY 12233-7020

(ii) In the Forchheimer Building, Room 302, AECM was storing one 1 liter container of ethyl ether which was first used in April 2014 and the facility had no evidence that peroxide testing was done.

(iii) In the Forchheimer Building, Room G 45, AECM was storing one 1 liter container of ethyl ether which was first used in August 2015 and the facility had no evidence that peroxide testing was done.

As a result of the CEI, the following violations of the RCRA regulations were found at the 1301 Morris Park Avenue location:

1. Pursuant to 6 NYCRR § 372.2(a)(2), a person who generates a solid waste must determine whether that solid waste is a hazardous waste using the procedures specified in that provision.

At the time of the inspection, AECM failed to make a hazardous waste determination of abandoned chemicals in the following room:

In the Price Building, Room 408 B, approximately 1.2 liter of alcohol was not determined to be a hazardous waste and poured down the drain.

2. Pursuant to 6 NYCRR § 373-3.9(d)(1) a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

At the time of the inspection, AECM had a one 4 liter container in a satellite accumulation area in the Price Building, Room 513 and the container was not properly closed.

Please submit within thirty (30) days of the receipt of this correspondence, a response which includes [1] a description of the actions you have taken to correct the violations described above, [2] documentation demonstrating that the violations have been corrected or [3] a rebuttal of the violations with supporting documentation.

Failure to comply and submit the documentation requested in this Notice of Violation may subject you and/or your company to the enforcement provisions of Section 3008 of RCRA, 42 U.S.C. § 6928.

Please indicate how you intend to address the concerns mentioned above and submit policies/procedures that were put in place with the response to the Notice of Violation.